

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
IN CLERK'S OFFICE

GEORGE BENYAMIN,
PLAINTIFF,

2005 JAN 7 P 1:09

CIVIL ACTION
NO. # _____

v.

ATTY. THOMAS BELIVIEAU, et.al.,
DEFENDANTS,

05-40004

PLAINTIFF'S EMERGENCY MOTION FOR
PRELIMINARY INJUNCTION RULE 65(a)(1)
AND RULE 65(b) ENJOINING THE DEFENDANTS-
CITY OF WORCESTER FROM DEMOLISHING PLAINTIFF'S PROPERTIES

Plaintiff respectfully moves this Honorable Court to issue the Temporary Restraining Order for the following reasons:

The Plaintiff is suffering being in a state of FALSE IMPRISONMENT, triggered by the conspirators and co-conspirators complained of in Plaintiff's Verified Complaint, filed pursuant to R.I.C.O. CIVIL (18 USCS §1964, §1962) (attached hereto)

The Plaintiff is preparing his Court litigation from a State Penal Institution, and is handicapped, especially from being unable to obtain effective legal counsel, who is not insulated against the negative persuasions from the Defendants against this Plaintiff, inspite of THE TRUTH that the Plaintiff NEVER HAD SEXUAL COPULATION AS PROVEN BY STATE POLICE AND HOSPITAL REPORTS, WITH DEFENDANT MILOT.

Plaintiff prays that this Honorable Court take judicial cognizance of the instant motion and supporting affidavit, and issue the Preliminary Injunction Relief, as prayed for.

The Plaintiff claims that there exists cognizable dangers of irreparable harm to the Plaintiff's housing properties:

- (1) A substantial likelihood of success on the merits of the foregoing Civil R.I.C.O. Complaint is assured;
- (2) The Plaintiff will suffer irreparable harm against his properties, in the absence of an injunction;
- (3) The harm suffered by the Plaintiff in the absence of an injunction would far exceed the harm suffered by the opposing parties if the injunction were issued;
- (4) An injunction would not disturb the public interest.

1.) Issue a TRO;

(A) (enjoin the Defendants), (cease and desist) their overt Conspiracy to destroy the Plaintiff's houses, using fatally defective ad hoc "Demolition Order", which poses a serious threat of irreparable loss to the Plaintiff's properties, and only the issuance of the Temporary Restraining Order enjoining the Defendants from touching the Plaintiff's Housing Properties, can irreparable losses be aborted.

> (B) Issue a TRO enjoining the Defendants from all "freezing," of the Plaintiff's housing properties, obtained by, FRAUD and FRAUD UPON THE COURT, under the assigned Docket Number, Civil Action #99-01250, Worcester Superior Court.

(C) Issue a TRO against the Defendants, "City of Worcester," to CEASE AND DESIST RACIAL DISCRIMINATION PRACTICES (against the Plaintiff) in denying the Plaintiff, and others of ethnic origins, from being recipients of, permits needed to repair housing properties.

(D) Issue a TRO against the Defendants enjoining them to, CEASE and DESIST, all processes of foreclosures against Plaintiff's housing properties and Cancel, all ongoing taxes owed on the properties.

Plaintiff, therefore, prays this Honorable Court issues the Emerging TRO.

12-25-2004

Date

Respectively Submitted,

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AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S EMERGENCY MOTION
FOR PRELIMINARY INJUNCTION
RULE 65(a)(1), etc.

I, George Benyamin, do hereby, under the pains and penalties of perjury, depose and say:

1.) I have just recently discovered that I am being held under FALSE IMPRISONMENT, by a trial court who prosecuted me, without being a Court of, "COMPETENT JURISDICTION", as required by, MASS. GENERAL LAW, CHAPTER 263, Section 9. I am in the process of preparing a petition for a Writ of Habeas Corpus.

2.) The circumstances, existing at this time which commands immediate Judicial interventionis:

A) I am the owner of (3) houses within the City of Worcester, MA.: (1) 10 Windsor Street
(6 apartments)

(2) 47 Westminster Street
(4 apartments)

(3) 479 Cambridge Street
(2 apartments)

3.) The Defendants, which includes the City Manager, Chief Manager, Building Inspector, the Building Commissioner, et.al., have demonstrated their bias racial discrimination against me, by moving illegally to demolish all of my houses-since I am being held under, FALSE IMPRISONMENT, as a direct nexus (connection) to the Conspiracy the Defendants started against me during the calendar year of the 1990's.

AFFIDAVIT OF GEORGE BENYAMIN, (continued)

4.) Defendants, The City of Worcester, City Manager, Chief Building, Inspector, and The Commissioner of the Building Inspectors, have instituted acts in the furtherance of the ongoing Conspiracy to illegally confiscate and destroy, my housing properties.

5.) I am in jeopardy of suffering IRREPARABLE LOSS, in my housing properties, by the Defendants hiring contractors to DEMOLISH THE HOUSES, therefore, it is of serious necessity that this Court issue a PRELIMINARY INJUNCTION, pursuant to Rule 65(a)(1)(b), enjoining the Defendants from touching and/or entering into agreements with others, to enter onto the properties, and DEMOLISHING IN ANY MANNER, SAID HOUSING PROPERTIES.

It Is So Prayed For

Respectfully Submitted,

12-25-2004
Date

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